

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

February 11, 2010

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:100D-006

Oahu

Cancellation of Governor's Executive Order No. 2526 and Reset
Aside, Together with a Portion of the Adjacent Submerged Land,
to the Department of Land and Natural Resources, Division of
Boating and Ocean Recreation, for Keehi Lagoon Small Boat
Harbor Purposes, Kalihi-Kai, Honolulu, Oahu, Tax Map Key: (1)
1-2-25: 24 and Portion of the Submerged Land Adjacent to 24

CONTROLLING AGENCY:

Department of Transportation (DOT) for the fast land and submerged land
under the operation of Governor's Executive Order No. 2526 (GEO No.
2526).

The additional submerged land is unencumbered State land.

APPLICANT:

Department of Land and Natural Resources, Division of Boating and Ocean
Recreation (DBOR)

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes, as amended.

LOCATION:

Portions of the filled and submerged areas of the former Kaliwa and
Mokauea Fisheries situate at Kalihi, Honolulu, Oahu, identified by Tax
Map Key: (1) 1-2-25: 24 and portion of submerged land adjacent to 24 as
shown on the attached map labeled Exhibit A.

AREA:

GEO No. 2526: 23.927 acres, more or less.
Additional submerged land: 0.220 acres, more or less.

ZONING:

State Land Use District: Urban
City and County of Honolulu CZO: Industrial

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act.
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Under the operation of GEO No. 2526 setting aside 23.927 acres to the Department of Transportation for Keehi Lagoon Small Boat Harbor purposes.

The additional submerged land is a portion of the Kalihi channel that connects the Keehi Lagoon Small Boat Harbor to Honolulu Harbor.

PURPOSE OF SET ASIDE:

Keehi Lagoon Small Boat Harbor purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements. Inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

APPLICANT REQUIREMENTS:

Applicant shall be required to provide a map and description of the additional submerged land adjacent to TMK: (1) 1-2-25: 24 according to State DAGS standards and at Applicant's own cost.

REMARKS:

Act 272, Session Laws of Hawaii 1991, transferred to the Department of Land and Natural Resources fifty-four (54) small boat harbors, launching ramps, jetties, wharves, and landings throughout the State of Hawaii that were previously administered by the Department of Transportation, Harbors Division.

DBOR has managed the above former DOT facilities ever since July 1, 1992. The cancellation of GEO No. 2526 to DOT and the reset aside of the area to DBOR are part of the on-going effort to document the transfers of the former DOT facilities.

The additional 0.220 acres of submerged land being requested by DBOR for inclusion with the reset aside area is to accommodate the spatial needs of Honolulu Marine, LLC, under a proposed long-term lease to operate a small boat haul out and maintenance/repair facility.

As all submerged lands are located in the State Land Use Commission's conservation district Honolulu Marine, LLC, was required to submit a

conservation district use application to the State Office of Conservation and Coastal Lands.

At its May 8, 2009, meeting, under agenda item K-3, the Board of Land and Natural Resources authorized the issuance of a conservation district use permit to Honolulu Marine, LLC, approving its proposed use of 0.930 acres of State submerged land as a small boat haul out and maintenance/repair facility, subject to numerous terms and conditions. The additional 0.220 acres of submerged land being requested by DBOR represents a portion of the above 0.930 acres.

RECOMMENDATION:

That the Board, subject to the Applicant Requirements:

1. Approve of and recommend to the Governor the issuance of an executive order canceling Governor's Executive Order No. 2526, subject to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time.
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside.
 - C. Review and approval by the Department of the Attorney General.
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
2. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time.
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside.
 - C. Review and approval by the Department of the Attorney General.

- D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Gary Martin
Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson



